



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning & Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2504806  
**Applicant Name:** Moira Hauphian  
**Address of Proposal:** 9128 45<sup>th</sup> Av. S.W.

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel of land into four unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses has been approved under project #2503987.

The following approval is required:

**Short Subdivision** - To divide one parcel of land into three unit lots.  
(Seattle Municipal Code Chapter 23.24)

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS  
☐ DNS with conditions  
☐ DNS involving non-exempt grading, or demolition, or  
another agency with jurisdiction.

**BACKGROUND DATA**

Site Description

The proposal site is approximately 4,999.1 square feet and is located in a Multi-Family Lowrise-Two (L-2) zone on the east side of 45<sup>th</sup> Avenue S.W. between S.W. Director St. and S.W. Barton Street. 45<sup>th</sup> Avenue S.W. is a two-lane paved street with sidewalks, curbs, and gutters on both sides. The lot has approximately 50-feet of street frontage on 45<sup>th</sup> Av. S.W. and is approximately 99.99-feet deep. Vehicular access is from the adjacent 16-foot asphalt alley. Site vegetation includes grass, trees and shrubs.

### Area Development

Zoning in the vicinity is mixed between multi-family, single-family and neighborhood commercial. Directly north of the site is Lowrise-one (L-1) zoning, northeast of the site is single-family zoning with a minimum lot size of 5000 square feet (SF5000) and directly east of the subject site is single-family zoning with a minimum lot size of 7200 square feet (SF7200). South of the site is Neighborhood Commercial-One zoning with a maximum allowed height of thirty feet (NC1-30'). There is a small area of Lowrise-Duplex-Triplex zoning to the southwest of the subject site. The immediate and surrounding areas are predominately single-family and multi-family use. However, adjacent to the east property line of the subject site is the old Fauntleroy Elementary School.

### Proposal Description

The applicant proposes to subdivide one parcel of land into four unit lots. Proposed unit lot sizes are: A) 1272.8 square feet, B) 1265.2 square feet C) 1234.2 square feet and D) 1226.9 square feet. Required parking is provided in under structure garages. A 61.05' x 7' Ingress, Egress and Utility Easement is provided on the south property line of the adjacent property to the north, along with the Ingress, Egress and Utility Easement that runs along the north property line of the subject site for access to parking for all unit lots. Required vehicle access for all units will be from the adjacent 16-foot wide asphalt alley. A 5-foot Pedestrian access and Utility Easement also runs along the north property line of Unit Lots D and A for access to the street for all Unit Lots.

### Public Comments

The public comment period for the proposed project ended on July 20<sup>th</sup>, 2005. Three comment letters were received.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development (DPD), review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light, and review by the Land Use Planner.

1. Conformance to the applicable Land Use Code provisions;

A construction permit that dealt with all development standards for townhouses in the L-2 zone, Project No. 2503987, was issued for the parent lot. The unit lots proposed by this subdivision conform to the standards for unit lot subdivisions (SMC 23.24.045) and other code provisions applicable to unit lot subdivisions. Any new development must conform to code requirements for the parent lot at the time of application.

2. Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.53.005;

Parking is provided in under structure garages. A 61.05' x 7' Ingress, Egress and Utility Easement is provided on the south property line of the adjacent property to the north, along with the Ingress, Egress and Utility Easement that runs along the north property line of the subject site for access to parking for all unit lots. Required vehicle access for all units will be from the adjacent 16-foot wide asphalt alley. A 5-foot Pedestrian access and Utility Easement is proposed across both Unit Lots A and D for street access for all four Unit Lots.

In order to insure that the use and maintenance responsibilities associated with the common areas are clear, the applicant/responsible party will be required to record an easement maintenance agreement with the final short plat.

The Seattle Fire Department has reviewed the proposed lot configuration with regard to fire protection and emergency vehicle access and has no objection. No improvements were requested by the Fire Department.

Seattle City Light requires an overhead/underground power easement over the north 5 feet of Unit Lot A on sheet 5 Of 5 of the short plat documents. **(See file for Exhibit A, P.M. #240335-3-013).**

As conditioned, this short plat provides for adequate access for vehicles, utilities, and fire protection.

3. Adequacy of water supply, sanitary sewage disposal, and drainage;

**Sanitary Sewer:** The existing duplex located upon the proposed Short Plat is connected by means of a shared sidesewer, also serving the duplex to the north addressed as 9124 45<sup>th</sup> Avenue S.W., to a 8-inch public sanitary sewer (PSS) located in 45<sup>th</sup> Avenue S.W. This mainline was originally constructed as a combined sewer, and as such, there are likely to be downspouts and area drains still connected to what is now considered, for purposes of redevelopment, to be a sanitary sewer.

**Drainage:** As noted above, this area has been “separated” with the construction of a 12-inch public storm drain (PSD) in the downslope intersection between 45<sup>th</sup> Avenue S.W. and S.W. Director St. This mainline discharges to a Designated Receiving Water.

Seattle Public Utilities reviewed the unit lot subdivision application and approved a **Water Availability Certificate, No. 20051095 on July 21<sup>st</sup>, 2005.** All conditions on the certificate must be met prior to receiving water service.

4. Whether the public use and interests are served by permitting the proposed division of land;

The proposed unit lot subdivision meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision. The public use and interests are served by permitting the proposed division of land.

5. Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;

The site is not mapped as an Environmentally Critical Area.

6. Is designed to maximize the retention of existing trees;

Not applicable, as the development of the subject site is permitted by approval of the associated building permit. No trees, are expected to be removed as a result of this short subdivision.

7. Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

Section 23.24.045 of the Seattle Municipal Code provides that under certain circumstances some types of parcels may be created that do not individually meet the zoning requirements for lot size, setbacks, density, and structure width and depth. These are called unit lot subdivisions and may be permitted as long as the development as a whole meets development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional development may be limited due to non-conformities; the following statement shall be required to be included as a note on the final short subdivision: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."

## **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

## **CONDITIONS - SHORT SUBDIVISION**

### **Prior to Recording**

The owner(s) and responsible party(s) shall:

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.

2. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
3. On the plat provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements.
4. Provide an easement for proper posting of address signage that is visible from the street.
5. Provide City Light easement on the plat.

Signature: (signature on file) Date: December 15, 2005  
Joan S. Carson, Land Use Planner II  
Department of Planning and Development  
Land Use Services